

Appendix D – Documents Cited in Rochford Affidavit

Source¹	Endnote	Previous Use	Cited in Other Affidavits, Declarations, or Filings	Reasons Inadmissible and/or Immaterial²
Final Report of the National Commission on Terrorist Attacks Upon the United States [“9/11 Report”]	3, 24-25, 28, 37, 39-40, 43-44, 58-60, 62, 65-66, 68-71	Averment	Rapawy Exs. 1-3	Generally admissible. As cited in endnotes 60, 65, 66, and 69, inadmissible as hearsay
<i>The Future of U.S.-Saudi Relations</i> , Hearing Before the House Subcommittee on the Middle East and South Asia of the Committee on International Relations, Prepared Statement of James L. Woolsey, May 22, 2002	4			Hearsay, FRE 602
Updates and Initiatives (as of 5 October 2012). ECF Document 3463-4 [“Florida Bulldog Memorandum”]	5-7, 32, 34-36, 41-42		Consol. Am. Compl. Appx. 3 (ECF No. 3463-4); Kreindler Ex. 2; Tarbutton Ex. 10	Hearsay, FRE 602, FRE 901, Preliminary investigative material
S. Select Comm. on Intelligence and H.R. Permanent Select Comm. on Intelligence, Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001 (2002) [pages 415-443 constitute “Part Four” or the “28 pages”]	8, 10, 12-13, 19-21, 27, 67, 76-77, 79, 83-84, 86-92		Consol. Am. Compl., Appx. 2 (ECF Nos. 3463-2-3); Kreindler 13; Tarbutton Ex. 12	Hearsay, FRE 602, Preliminary investigative material

¹ Document descriptions, other than bracketed text indicating commonly-used short-form descriptors, are taken directly from the Affidavit. Their use is for convenience only and should not be taken as a concession that the descriptions are accurate.

² Defendant’s objections to the cited documents are made for purposes of the pending motion to dismiss. Defendant reserves the right to move to exclude, or to assert additional objections, in the event that any party seeks to admit any of the cited documents into evidence in any future proceeding.

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FBI, <i>Connections of San Diego PENTTBOM Subjects to the Government of Saudi Arabia</i> , FBI Letterhead Memorandum (undated) (FOIA request production published by INTELWIRE)	8, 22, 26-27, 29-31, 48, 85	Aver. Exs. 37-39 (ECF No. 2930)	Tarbutton Exs. 38-40	Hearsay, FRE 602, FRE 901, Preliminary investigative material
Letter from Alawi Mohammed Saeed Kamel (Chairman, Dallah Avco) to H.H./President of Civil Aviation (dated 21/12/1419 A.H.) (corresponding to April 7, 1999)	11, 17		Tarbutton Ex. 21	Hearsay
Letter from Dr. Ali Bin Abdul-Rahman Al-Khalaf (President of the Civil Aviation) to H.H. Assistant Minister of Defense and Aviation and Inspector General for Civil Aviation Affairs (dated 1/1/1420 A.H.) (corresponding to April 17, 1999)	11, 18		Tarbutton Ex. 22	
Transcript of Record, Hearing before the Honorable George B. Daniels in the United States District Court for the Southern District of New York, <i>In Re Terrorist Attacks on September 11, 2001</i> , Case No. 03 MD 1570 (GBD) (July 30, 2015)	14	July 30, 2015 Hearing (ECF No. 2986)		Hearsay, FRE 602
Letter from Alawi Mohammed Saeed Kamel (Chairman, Dallah Avco) to H.E. Eng. Mohamed Ahmed Ai-Salmi (General Manager of Airway Engineering, Presidency of Civil Aviation) (dated 18/12/1419 A.H.) (corresponding to April 4, 1999)	15		Tarbutton Ex. 19	Hearsay
Letter from Engineer Muhammad Ahmad Al Salemi (General Manager of Airways Engineering) to His Excellency/Chairman of the Board of Directors of the Dallah Group (dated 20/12/1419G) (corresponding to April 6, 1999)	16		Tarbutton Ex. 20	

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FBI Letterhead Memorandum, <i>Omar Al Bayoumi – Employed by Dallah Al Baraka</i> (April 15, 2002) (FOIA request production published by INTELWIRE)	23, 27, 29-31, 48	Aver. Ex. 36 (ECF No. 2930)	Tarbutton Ex. 37	Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI FD-302 of Caysan Bin Don (October 8, 2001) (FOIA request production published by INTELWIRE)	28, 43-44, 46, 49-55		Tarbutton Ex. 59	Hearsay, FRE 602, FRE 901, Preliminary investigative material
9/11 Commission Memorandum for the Record, <i>Interview of Cayson Bin Don</i> (April 20, 2004)	28, 43-44, 46, 51-52, 56-57	Aver. Ex. 32 (ECF No. 2930)	Tarbutton Ex. 25	Hearsay, FRE 602, Preliminary investigative material
<i>The FBI: Protecting the Homeland in the 21st Century</i> , Report of the Congressionally-Directed 9/11 Review Commission [“9/11 Review Report”]	33		Rapawy Ex. 5	
FBI, <i>FAHAD ALTHUMAIRY (NON-USPER)</i> (September 9, 2004) (FOIA request production published by INTELWIRE)	38-40	Aver. Ex. 35 (ECF No. 2930)	Kreindler Ex. 5; Tarbutton Ex. 35	Hearsay, FRE 602, FRE 901, Preliminary investigative material
9/11 Commission Memorandum for the Record, <i>Interview of Omar Al-Bayoumi</i> (October 16-17, 2003)	43, 62, 72-73	Aver. Ex. 30 (ECF No. 2930)	Kreindler Ex. 6; Tarbutton Ex. 23	Hearsay, FRE 602, Preliminary investigative material
Josh Lefkowitz and Lorenzo Vidino, <i>America’s Homegrown Jihadist</i> , (Apr. 27, 2005), available at http://archive.frontpagemag.com/Printable.aspx?ArtId=8790	44-45			Hearsay, FRE 602
9/11 Commission Memorandum for the Record, <i>Interview of Khalil A. Khalil</i> (February 24, 2004)	48		Kreindler Ex. 4; Tarbutton Ex. 28	Hearsay, FRE 602, Preliminary investigative material

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A Review of the FBI's Handling of Intelligence Information Related to the September 11th Attacks, United States Department of Justice, Office of the Inspector General, available at https://oig.justice.gov/special/0506/final.pdf	52	Aver. Ex. 40 (ECF No. 2930)		Hearsay, FRE 602, Preliminary investigative material
FBI, <i>PENTTBOMB</i> (April 11, 2002) (FOIA request production published by INTELWIRE)	58	Aver. Ex. 63 (ECF No. 2930)	Kreindler Ex. 11; Tarbutton Ex. 46	Hearsay, FRE 602, FRE 901, Preliminary investigative material
FBI, <i>Mihdhar Mohammad Al-Mihdar Zaid</i> (May 17, 2004)	59, 66	Aver. Ex. 46 (ECF No. 2930)	Tarbutton Ex. 47	Hearsay, FRE 602, FRE 901, Preliminary investigative material
9/11 Commission Memorandum, <i>Summary of Interviews Conducted in Saudi Arabia</i> (February 25, 2004)	61		Tarbutton Ex. 33	Hearsay, FRE 602, Preliminary investigative material
9/11 Commission Memorandum for the Record, <i>Interview of Fahad al-Thumairy</i> (February 23, 2004)	62	Aver. Ex. 31 (ECF No. 2930)	Kreindler Ex.3; Tarbutton Ex. 24	Hearsay, FRE 602, Preliminary investigative material
9/11 Commission Memorandum for the Record, <i>Interview of Osama Basnan</i> (October 22, 2003)	63-64	Aver. Ex. 34 (ECF No. 2930)	Tarbutton Ex. 27	Hearsay, FRE 602, Preliminary investigative material
9/11 Commission Memorandum for the Record, <i>Interview of FBI Special Agent [Name Redacted]</i> (November 17, 2003)	63, 82	Aver. Ex. 33 (ECF No. 2930)	Kreindler Ex. 12; Tarbutton Ex. 26	Hearsay, FRE 602, Preliminary investigative material
FBI Electronic Communication from San Diego to Counterterrorism, <i>PENTTBOM; MAJOR CASE 182</i> (October 3, 2001) (Case File No. 265A-NY-280350)	75	Aver. Exs. 49-51 (ECF No. 2930)	Tarbutton Exs. 42-44	Hearsay, FRE 602, FRE 901, Preliminary investigative material

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Philip Shenon, <i>The Commission: The Uncensored History of the 9/11 Investigation</i> (2008)	78	Aver. Ex. 44 (ECF No. 2930)		Hearsay, FRE 602
FBI Document Compiled by the JICI Task Force, ASAC Robert Blecksmith (October 9, 2002) (FOIA Production Request by INTELWIRE)	80-81, 93-94		Tarbutton Ex. 41	Hearsay, FRE 602, FRE 901, Preliminary investigative material